

HOUSE BILL NO. 39

INTRODUCED BY D. FUCHS

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN STATUTES REGULATING FISHING BY YOUTHS AND PERSONS 62 YEARS OF AGE OR OLDER; INCREASING THE AGE FOR JUVENILES TO FISH IN CERTAIN DESIGNATED WATERS; ALLOWING RESIDENT YOUTHS UNDER 15 YEARS OF AGE AND RESIDENTS 62 YEARS OF AGE OR OLDER TO OBTAIN PADDLEFISH TAGS WITH A VALID WILDLIFE CONSERVATION LICENSE; AMENDING SECTIONS 87-1-304 AND 87-2-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-304, MCA, is amended to read:

"87-1-304. Fixing of seasons and bag and possession limits. (1) (a) The commission may:

(i) fix seasons, bag limits, possession limits, and season limits;

(ii) open or close or shorten or lengthen seasons on any species of game, bird, fish, or fur-bearing animal as defined by 87-2-101; and

(iii) declare areas open to the hunting of deer, antelope, elk, moose, sheep, and goat by bow and arrow ~~permit holders~~ permitholders and designate times when only bows and arrows may be used to hunt deer, antelope, elk, moose, sheep, and goat in those areas.

(b) The commission may restrict areas and species to hunting with only specified hunting arms, including bow and arrow, for the reasons of safety or of providing diverse hunting opportunities and experiences.

(c) ~~† The commission~~ may declare areas open to special license holders only and issue special licenses in a limited number when ~~† the commission~~ determines, after proper investigation, that ~~such a~~ special season is necessary to ~~assure~~ ensure the maintenance of an adequate supply of game birds, fish, or animals or fur-bearing animals. ~~† The commission~~ may declare a special season and issue special licenses when game birds, ~~or~~ animals, or fur-bearing animals are causing damage to private property or when a written complaint of damage has been filed with the commission by the owner of that property.

1 In determining to whom ~~those~~ special licenses must be issued, ~~it~~ the commission may, when more
2 applications are received than the number of animals to be killed, award permits to those chosen under
3 a drawing system. The procedures used for awarding the permits from the drawing system must be
4 determined by the commission.

5 (2) The commission may adopt rules governing the use of livestock and vehicles by archers during
6 special archery seasons.

7 (3) ~~it~~ The commission may divide the state into fish and game districts and create fish, game, or
8 fur-bearing animal districts throughout the state. ~~it~~ The commission may declare a closed season for
9 hunting, fishing, or trapping in any of those districts and later may open those districts to hunting, fishing,
10 or trapping.

11 (4) ~~it~~ The commission may declare a closed season on any species of game, fish, game birds, or
12 fur-bearing animals threatened with undue depletion from any cause. ~~it~~ The commission may close any
13 area or district of any stream, public lake, or public water or portions thereof to hunting, trapping, or
14 fishing for limited periods of time; when necessary to protect a recently stocked area, district, water,
15 spawning waters, spawn-taking waters, or spawn-taking stations or to prevent the undue depletion of fish,
16 game, ~~and~~ fur-bearing animals, ~~and~~ game birds, and nongame birds. ~~it~~ The commission ~~later~~ may open the
17 area or district upon consent of a majority of the property owners affected.

18 (5) The commission may authorize the director to open or close any special season upon 12 hours'
19 notice to the public.

20 (6) ~~it~~ The commission may declare certain fishing waters closed to fishing except by persons under
21 ~~13~~ 15 years of age. The purpose of this subsection is to provide suitable fishing waters for the exclusive
22 use and enjoyment of juveniles under ~~13~~ 15 years of age, at times and in areas the commission in its
23 discretion considers advisable and consistent with its policies relating to fishing."

24

25 **Section 2.** Section 87-2-306, MCA, is amended to read:

26 **"87-2-306. Paddlefish tags.** (1) The department may issue paddlefish tags to ~~holders of valid Class~~
27 ~~A, Class B, and Class B-4 fishing licenses~~ persons listed in subsection (2) for a fee of ~~\$4 beginning March~~
28 ~~1, 1992, and \$5 beginning March 1, 1994,~~ for residents and \$15 for nonresidents. Each tag authorizes
29 the holder to fish with hook and line for paddlefish as prescribed by rules of the department.

30 (2) The following persons may obtain paddlefish tags pursuant to this section:

1 (a) holders of valid Class A, Class B, and Class B-4 fishing licenses;
2 (b) residents under 15 years of age with a valid wildlife conservation license; and
3 (c) residents 62 years of age or older with a valid wildlife conservation license."

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5 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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